

RESPONSE - NOTICE  
OF MISSING PARTS

PATENT

A33718 PCT USA

**JC06 Rec'd PCT/PTO 12 JAN 2001**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of : Scullion et al.  
Serial No. : 09/700,512  
Filed : November 13, 2000  
For : A BEVERAGE

RESPONSE TO NOTICE TO FILE MISSING  
REQUIREMENTS UNDER U.S.C. 371 IN THE UNITED STATES  
DESIGNATED/ELECTED OFFICE (DO/EO/US)

**EXPRESS MAIL LABEL NO. EK839852275US**

Assistant Commissioner of Patents  
Box PCT  
Washington, D.C. 20231

01/18/2001 NGUYEN 00000023 09700512

01 FC:154 Sir: 130.00 OP

Responsive to the Notice to File Missing Requirements of Application Under U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US) dated December 12, 2000, enclosed herewith is a Declaration referring to the above-identified application by one or more of the following in compliance with 37 U.S.C. 371:

- ( ) Name of inventor and application serial number;
- ( ) Name of inventor, attorney docket number which was on the application as filed, and filing date of the application;
- ( ) Name of inventor, title of invention and filing date;
- ( ) Name of inventor, title of invention and reference to a specification which is attached to the oath or declaration at the time of execution and filed with the oath or declaration;
- ( x ) Name of inventor, title of invention. As presently advised, the undersigned, a registered attorney, states that the application filed in the PTO is the application which the inventor executed by signing the oath or declaration.

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Also enclosed are:

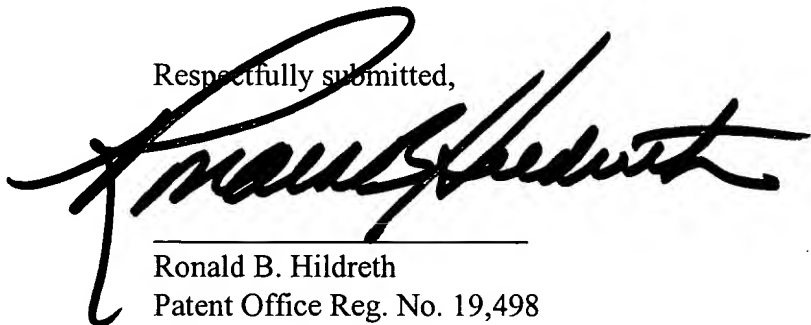
1. (x) A check in the amount of \$ 130.00  
(x) \$130 - Other than Small Entity  
( ) \$ 65 - Small Entity  
representing payment of the surcharge  
due for late filing of the Declaration  
pursuant to 37 C.F.R. 1.492(e);
2. ( ) An extension of time to file the Response  
to Missing Parts is respectfully requested.  
The required fee, calculated pursuant to  
1.136(a), is enclosed in the amount of \$ \_\_\_\_\_
3. ( ) Other \_\_\_\_\_  
\$ \_\_\_\_\_

TOTAL FEE ENCLOSED \$ 130.00

**Enclosed: Form PCT/DO/EO/905**

The Commissioner is hereby authorized to charge payment of any additional fees associated with this communication to Deposit Account No. 02-4377. A duplicate copy of this sheet is enclosed.

Respectfully submitted,



Ronald B. Hildreth  
Patent Office Reg. No. 19,498  
Attorney for Applicants  
(212) 408-2544

09/700512



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
Assistant Commissioner for Patent  
Washington, DC 20503

33718 PCT US

U.S. APPLICATION NO. 09/700512

507:

PCT/DO/EO/917

BANKER BOTTS  
14TH FLOOR  
30 ROCKEFELLER PLAZA  
NEW YORK NY 10112

LA FILING DATE: 10/9/98 PRIORITY DATE: 05/15/98

12 DEC 2000

DATE MAILED:

# NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

1. The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as

- ☐ a Designated Office (37 CFR 1.494),  
☒ an Elected Office (37 CFR 1.495):

☒ U.S. Basic National Fee.

☒ Copy of the international application in:

☐ a non-English language.

☒ English.

☐ Translation of the international application into English.

☐ Oath or Declaration of inventor(s) for DO/EO/US.

☐ Copy of Article 19 amendments.

☐ Translation of Article 19 amendments into English.

☒ The International Preliminary Examination Report in English and its Annexes, if any.

☒ Translation of Annexes to the International Preliminary Examination Report into English.

☒ Preliminary amendment(s) filed 13 NOV. 00 and \_\_\_\_\_

☐ Information Disclosure Statement(s) filed \_\_\_\_\_ and \_\_\_\_\_

☐ Assignment document.

☐ Power of Attorney and/or Change of Address.

☐ Substitute specification filed \_\_\_\_\_

☐ Statement Claiming Small Entity Status.

☐ Priority Document.

☒ Copy of the International Search Report ☐ and copies of the references cited therein.

☐ Other:

BANKER BOTTS L.L.P.

00 DEC 18 AM 11:49

TO

Docketed

For 1/1/2001 By *[Signature]*

2. The following items MUST be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- ☐ a. Translation of the application into English. Note a processing fee will be required if submitted later than the appropriate 20 or 30 months from the priority date.

☐ The current translation is defective for the reasons indicated on the attached Notice of Defective Translation.

- ☐ b. Processing fee for providing the translation of the application under the American later than the appropriate 20 or 30 months from the priority date (37 CFR 1.494(d)).

☒ c. Oath or Declaration of the inventor, in compliance with 37 CFR 1.494(d) and (e), identifying the application.

☒ The International Preliminary Examination Report and its Annexes, if any.

☒ The translation of the International Preliminary Examination Report into English.

☒ Preliminary amendment(s) filed \_\_\_\_\_ and \_\_\_\_\_

☐ Information Disclosure Statement(s) filed \_\_\_\_\_ and \_\_\_\_\_

☐ Assignment document.

☐ Power of Attorney and/or Change of Address.

☐ Substitute specification filed \_\_\_\_\_

☐ Statement Claiming Small Entity Status.

☐ Priority Document.

☒ Copy of the International Search Report ☐ and copies of the references cited therein.

☐ Other:

The time period for filing the translation of the application under the American later than the appropriate 20 or 30 months from the priority date is 30 months from the priority date.

4. Translation of the Annexes MUST be submitted no later than the time period set above or the annexes will be cancelled. Note processing fee will be required if submitted later than 30 months from the priority date.

5. ☐ The Article 19 amendments are cancelled since a translation was not provided by the appropriate 20 (37 CFR 1.494(d)) or 30 (37 CFR 1.495(d)) months from the priority date.

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above. (37 CFR 1.5)

**A copy of this notice MUST be returned with this response.**

Enclosed: ☐ PCT/DO/EO/917

☐ Notice of Defective Translation

Letter H-42

☐ PTO-875

FORM PCT/DO/EO/905 (December 1997)

Telephone: (703) 305-3888

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